

E-FILED on 10/15/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WILLIAM VASQUEZ MARTINEZ,

Petitioner,

v.

MIKE MCDONALD, WARDEN, SOLANO
STATE PRISON,

Respondent.

No. C-08-05232 RMW

ORDER EXTENDING DEADLINE TO
RESPOND TO ORDER TO SHOW CAUSE

[Re Docket No. 18]

Because the court's August 6, 2010 order was not served upon respondent and respondent's attorney in a timely fashion, the court hereby extends the time for respondent to file an answer or motion to dismiss.


1. The Clerk of the Court shall serve a copy of this order, the August 6, 2010 order, and the petition and all attachments thereto upon respondent and respondent's attorney, the Attorney General of the State of California.

2. Respondent shall file with the court, within sixty (60) days of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted. Respondent shall file with the answer a copy of all portions of the state record that have been transcribed previously and that are

1 relevant to a determination of the issues presented by the petition. If petitioner wishes to respond to
2 the answer, he shall do so by filing a traverse with the court and serving it on respondent within
3 thirty (30) days of his receipt of the answer.

4 3. Respondent may file a motion to dismiss on procedural grounds in lieu of an answer,
5 as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases.
6 If respondent files such a motion, petitioner shall file with the court and serve on respondent an
7 opposition or statement of non-opposition to the motion within thirty (30) days of receipt of the
8 motion, and respondent shall file with the court and serve on petitioner a reply within fifteen (15)
9 days of receipt of any opposition.

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13 DATED: 10/15/10



RONALD M. WHYTE
United States District Judge